

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PATRICIA BELL WATKINS,

Petitioner,

v.

STATE OF WASHINGTON

Respondent.

Case No. C06-5141FDB

ORDER DENYING PETITIONER'S  
MOTION TO STAY HER STATE  
SENTENCE AND JUDGMENT  
WITHOUT PREJUDICE

This habeas corpus petition has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrates' Rules MJR 3 and MJR 4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. (Dkt. # 1 and 2). Before the court is a motion asking the court to stay petitioner's judgment and sentence in state court. (Dkt. # 8). This motion was filed July 6<sup>th</sup>, 2006. The court ordered the petition served on the Pierce County Prosecutor's Office July 18<sup>th</sup>, 2006, (Dkt # 9).

Petitioner has failed to show she served her motion on the state or on the Pierce County Prosecutor's Office. The motion was made prior to the court ordering service and is premature.

ORDER

1 The motion is **DENIED WITHOUT PREJUDICE.**

2       Petitioner may renew her motion after the Pierce County Prosecutor's Office has entered a  
3 notice of appearance or after the time for entering such a notice has expired. Petitioner is reminded  
4 to follow Local Rule 7 (b)(1) regarding proof of service.

5       The clerk is ordered to send copies of this order to the petitioner and to the Pierce County  
6 Prosecutor's Office and remove (Dkt. # 8) from the court's calendar.

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8       DATED this 31<sup>st</sup>, day of July, 2006.

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10                               /S/ J. Kelley Arnold  
11                               J. Kelley Arnold  
12                               United States Magistrate Judge  
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28 ORDER